

REMARKS

Claims 3 and 30-46 are pending. Claim 3 has been amended to return it to essentially its scope as originally filed (with an amide linkage), but with spermine as the backbone. New claim 46 has been presented to provide a list of exemplary compound structures and a basis for the election of a single structure to assist the Examiner with the start of the search process.

Applicants understand that should the elected species be found to be free of the prior art, the remaining species will all be searched and examined. The new claim has not been introduced for any reason related to patentability, but rather for the convenience of the Examiner is starting the search process.

Support for new claim 46 is provided at least by Figures 45a through 45g, inclusive. New claims 47 and 48 correspond to pending claims 34 and 37. No new matter has been introduced and entry of the amendment is respectfully requested.

Responsive to the Office Action mailed September 13, 2001, Applicants elect with traverse the structure represented by compound ID 1158 as reflected in new claim 46. Applicants again note the understanding that should the elected species be free of the prior art, the remaining species will all be searched and examined along with the genus claim(s) that encompass them.

The traversal of the election of species requirement set forth by the Examiner is that no basis for restriction between the structure of amended claim 3 and the individual species as now

reflected in claim 46 has been set forth. Both structures would be equally amenable to search, and the search of the structure of claim 3 would not place any "serious burden" upon the Examiner beyond that present for searching the elected species and other species in claim 46.

In the event that the Requirement is maintained, Applicant requests examination of the elected subject matter on the merits.

Conclusion

In light of the above discussion and new claims, Applicants respectfully request that claims 3 and 30-45 be examined. In the event the Examiner finds that a telephonic discussion may be helpful to address any residual Restriction issues, he is respectfully invited to contact the undersigned.

In the event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 with reference to 275102001021. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: November 13, 2001

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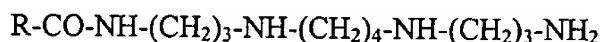
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Version with markings to show changes made.

In the Claims:

Kindly amend claim 3 as follows:

3. (twice amended) A N¹-monosubstituted polyamine analogue or derivative represented by the formula



wherein R represents a monosubstituent and

said analogue or derivative does not have a formula represented by ID 1022, 1043, 1085, 1107, 1111, 1163, 1166, 1202, or 1260. ~~[is a head group selected from the group consisting of a straight or branched C₁₋₁₀ aliphatic, alicyclic, single or multi ring aromatic, single or multi ring aryl substituted aliphatic, aliphatic substituted single or multi ring aromatic, a single or multi ring heterocyclic, a single or multi ring heterocyclic substituted aliphatic and an aliphatic substituted aromatic or~~

~~wherein R-CO is a D or L amino acid or ornithine,~~

~~wherein said analogue or derivative is not compound 1022, 1085, 1111, 1163 1166, 1202, or 1260.]~~